

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KATHERINE BELCASTRO GONZALEZ, )

CASE NO. 8:19CV572

Plaintiff, )

v. )

CITY OF OMAHA, a Municipal )  
Corporation, TODD SCHMADERER, )  
Chief of Police of the Omaha Police )  
Department, in his official and individual )  
Capacity )

Defendants. )

**AFFIDAVIT OF  
THOMAS M. WHITE**

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

I, Thomas M. White, being first duly sworn, upon oath, affirm and state as follows:

1. I am over the age of 21 and I suffer from no legal disability. All of the matters recited in this Affidavit are known to me personally.

2. I am an attorney licensed to practice law in the State of Nebraska. I have been a member of the Bar of this Court since 1983. I am counsel for the Plaintiff in the above-captioned proceeding.

3. Attached hereto as Exhibit "A" and incorporated herein is a true and accurate copy of an article that appeared on September 12, 2022, on Omaha.com after the jury had found in favor of Plaintiff and against the Defendants.



FURTHER AFFIANT SAYETH NOT.

  
THOMAS M. WHITE

SUBSCRIBED AND SWORN to before me this 16<sup>th</sup> day of December, 2022.

  
NOTARY PUBLIC



[https://omaha.com/news/local/crime-and-courts/former-omaha-police-captain-prevails-in-suit-against-city-police-chief/article\\_628e1ba6-32bd-11ed-9231-3ff1b725ad5c.html](https://omaha.com/news/local/crime-and-courts/former-omaha-police-captain-prevails-in-suit-against-city-police-chief/article_628e1ba6-32bd-11ed-9231-3ff1b725ad5c.html)

## Former Omaha police captain prevails in suit against city, police chief

Alia Conley

Sep 12, 2022



Former Omaha Police Capt. Kathy Belcastro-Gonzalez has prevailed in her suit against the city and Police Chief Todd Schmaderer.

Alia Conley



### Former Omaha police captain prevails in suit against city, police chief

- A former Omaha police captain has prevailed in her claim that Omaha Police Chief Todd Schmaderer retaliated against her by not



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**promoting her to deputy chief for her filing of a discrimination complaint with the Mayor's Office.**

- **Former Capt. Kathy Belcastro-Gonzalez alleged that she was wrongly bypassed for the promotion, despite scoring No. 1 in the city's third-party testing process.**



unanimously agreed that former Capt. Kathy Belcastro-Gonzalez's complaint played a role in Schmaderer's choice to not promote her to deputy chief. Belcastro-Gonzalez had alleged that she was wrongly bypassed for the promotion in 2018, despite scoring No. 1 in the city's third-party testing process.

The jury awarded Belcastro-Gonzalez lost wages and benefits of \$680,000 plus \$20,000 in other damages after hearing evidence **in a four-day trial.**

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Belcastro-Gonzalez **had testified Thursday** that as she was contemplating alerting Mayor Jean Stothert to potential gender discrimination and harassment within the Police Department, she knew the move would harm her career trajectory.

"The last several years have taken an extreme toll on my entire family," Belcastro-Gonzalez said after the verdict was announced. "I feel thankful for the jury to come back and do what was right. I do feel vindicated for it. Because it's been a very long haul."

A certified public accountant estimated Belcastro-Gonzalez would have earned nearly \$2 million with compensation, pension and retirement benefit differences, adjusted for inflation, if she would have been promoted to deputy chief.

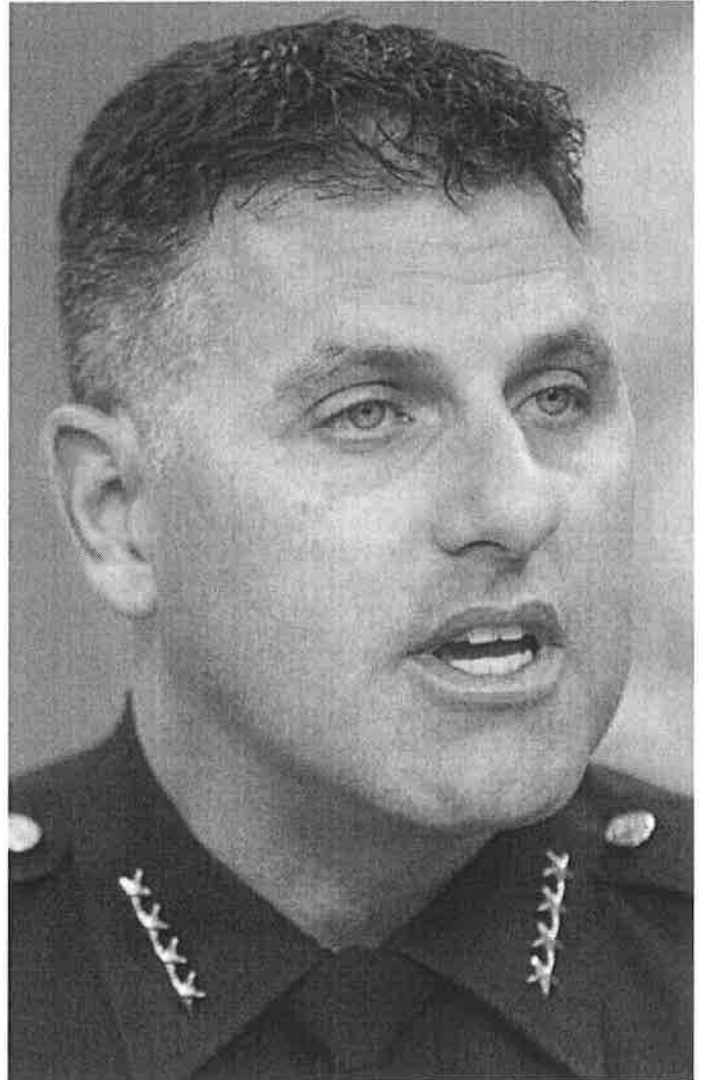
Belcastro-Gonzalez said her lawsuit represented all women who are afraid to speak out against their employer when they see or experience wrongdoing.

“When people do what’s right, the truth comes out,” she said.

Schmaderer **testified Friday to the several reasons** why he didn’t choose Belcastro-Gonzalez to be one of his five inner-circle deputy chiefs and advisers.

But after the verdict Monday, he said a decision by U.S. District Judge Joseph Bataillon prevented him from being able to share more.

“I’m disappointed the court didn’t allow the contents of her termination into the proceedings, as they would have provided more clarity and evidence as to why I could not promote Mrs. Gonzalez over other more qualified candidates,” Schmaderer said in a statement.



Schmaderer

Tom White, Belcastro-Gonzalez’s attorney, said Deputy City Attorney

Michelle Peters never offered information about Belcastro-Gonzalez’s termination into evidence for trial.

“The city attorneys agreed it was irrelevant,” White said. “Look at the dates of when she was passed over and then terminated four years later.”

Schmaderer said the man and woman he did promote in 2018 over Belcastro-Gonzalez served the Police Department as great leaders.

The chief declined to answer follow-up questions from a reporter asking about the timing and details of Belcastro-Gonzalez’s 2022 termination.

Belcastro-Gonzalez had been placed on administrative leave in January 2022 and then **recommended for termination in May.**

As in his testimony, Schmaderer firmly denied that Belcastro-Gonzalez’s choice to file a complaint with the Mayor’s Office had factored into his promotion decision.

“I stand by my testimony that I did not retaliate, nor would I ever,” he said Monday.

But the jury determined that despite Schmaderer’s stated reasoning in court, Belcastro-Gonzalez’s complaint outside her chain of command had affected his choice.

“This is an incredibly important day for all police officers, especially female police officers,” White said after the verdict was announced. “But it’s also an important day for women in the workplace across the city who have the courage to report being harassed or discriminated against.”

City Attorney Matt Kuhse reiterated the city’s position that Belcastro-Gonzalez was not promoted because of poor performance. He said in a prepared statement that the city will appeal the verdict.

Belcastro-Gonzalez and another female lieutenant had filed separate, unrelated complaints against then-Capt. Kerry Neumann in 2010, alleging that he created a hostile work environment because they were female. Seven years later, they heard from the officer who was in charge of internal affairs that the internal investigation had not been conducted properly.

Belcastro-Gonzalez then decided to file a gender discrimination complaint with Stothert's office in April 2017.

Then, several deputy chief positions opened up. In 2017, Neumann and Scott Gray scored Nos. 1 and 2 on the test, while Belcastro-Gonzalez scored fifth. Schmaderer picked Neumann and Gray for the promotion. Belcastro-Gonzalez testified that she hadn't felt that she was mistreated in that instance.

In 2018, another two spots for deputy chief became available. Belcastro-Gonzalez tested No. 1 on the outside promotional test service — and stayed atop the list when the city's HR director asked the company to rescore the test using different metrics — but Schmaderer chose Nos. 2 and 5 on the list to be promoted.

Belcastro-Gonzalez **filed a complaint with the Nebraska Equal Opportunity Commission**, which was dismissed. She then **filed a federal lawsuit alleging retaliation in December 2019**.

She now works as the associate director for security at Creighton University. She served 12 years as captain of the southeast police precinct.

In his testimony Friday, Schmaderer listed several reasons why Belcastro-Gonzalez was not promoted. He said she had a poor attitude, questionable leadership actions, minor overtime violations, missed meetings, lacked a master's degree or FBI academy training and her precinct had recorded the lowest number of traffic stops compared to other precincts.

White argued that his client was a popular captain, but after filing the complaint with the mayor, she was deemed "difficult to work with." White said there were discrepancies in how she was treated compared to other eventual deputy chiefs. White said Schmaderer ordered his staff to look at her closely in order to "paper her file" and create issues.

“At some point, you have to start doubting that (the city is) giving you honest reasons and there wasn’t something else acting in their minds,” White told jurors on Friday. “The only way you can see that is boys get special passes, girls don’t.”

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### **By Alia Conley**

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